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PATENT

Attorney Docket No.: A-70440/DJB/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHEE

Serial No. 09/931,285

Filed: August 16, 2001

For: COMPOSITIONS AND METHODS
FOR REPETITIVE USE OF
GENOMIC DNA

Examiner: NOT YET ASSIGNED

Group Art Unit: NOT YET ASSIGNED

CERTIFICATE OF MAILING

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10-24-01
Christine P. Peters

Christine P. Peters

INFORMATION DISCLOSURE STATEMENT AND
STATEMENT OF RELATEDNESS

Assistant Commissioner
for Patents
Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicant wishes to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449. Copies of the documents are enclosed herewith.

With respect to patent applications, the applicants point out their duty under M.P.E.P. §2001.06(b) to disclose relevant patent applications of which they are aware. To this end, the applicants draw the Examiner's attention to the following patent applications:

1. U.S.S.N. 09/553,993, filed April 20, 2000; U.S.S.N. 09/556,463, filed April 21, 2000.
2. U.S.S.N. 09/517,945, filed March 3, 2000.

Serial No.: 09/931,285

Filed: August 16, 2001

3. U.S.S.N. 09/513,362, filed February 25, 2000.

4. U.S.S.N. 09/425,633, filed October 22, 1999; U.S.S.N. 09/535,854, filed March 27, 2000.

5. U.S.S.N. 09/779,376, filed February 7, 2001.

6. U.S.S.N. 09/779,202, filed February 7, 2001.

7. U.S.S.N. 09/785,514, filed February 16, 2001.

None of the foregoing references are believed to disclose the invention as claimed.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application.

Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

Serial No.: 09/931,285

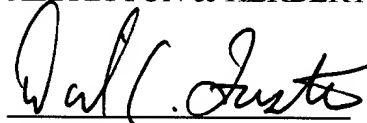
Filed: August 16, 2001

This Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of a national stage, or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97(b), and therefore no fee is required. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-70440/DJB/RMS/DCF).

Respectfully submitted,

FLEHR, HOHBACH, TEST,
ALBRITTON & HERBERT

Dated: October 23, 2009



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1065880

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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	09/931,285
				Filing Date	August 16, 2001
				First Named Inventor	CHEE
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	6	Attorney Docket Number	A-70440/DJB/RMS/DCF

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
✓	1	4,200,110		Peterson et al.	4/1980	
✓	2	4,499,052		Fulwyler	2/1985	
✓	3	4,682,895		Costello	7/1987	
✓	4	4,785,814		Kane	11/1988	
✓	5	4,822,746		Walt	4/1989	
✓	6	4,824,789		Yafuso et al.	4/1989	
✓	7	4,999,306		Yafuso et al.	3/1991	
✓	8	5,002,867		Macevicz	3/1991	
✓	9	5,028,545		Soini	7/1991	
✓	10	5,105,305		Betzig et al.	4/1992	
✓	11	5,114,864		Walt	5/1992	
✓	12	5,132,242		Cheung	7/1992	
✓	13	5,143,853		Walt	9/1992	
✓	14	5,194,300		Cheung	3/1993	
✓	15	5,244,636		Walt et al.	9/1993	

FOREIGN PATENT DOCUMENTS								
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		Office ³	Number ⁴	Kind Code ² (if known)				
✓	16	EP	0 269 764	A1	Molecular Biosystems, Inc.	6/1988		
✓	17	EP	0 392 546	A2	Drmanac et al.	10/1990		
✓	18	EP	0 478 319	A1	Kabushiki Kaisha Toshiba	4/1992		
✓	19	EP	0 723 146	A1	SRI International	7/1996		
✓	20	WO	89/11101	A1	Dynal A.S.	11/1989		
✓	21	WO	93/02360	A1	Transmed Biotech Incorporated	2/1993		
✓	22	WO	96/03212	A1	Brenner	2/1996		
✓	23	WO	97/14028	A2	Luminex Corp.	4/1997		
✓	24	WO	97/14928	A1	Brint, N.	4/1997		
✓	25	WO	97/40385	A1	Seul, M.	10/1997		
✓	26	WO	98/40726	A1	Trustees of Tufts College	9/1998		

Examiner Signature	Date Considered
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/931,285
				Filing Date	August 16, 2001
				First Named Inventor	CHEE
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	6	Attorney Docket Number	A-70440/DJB/RMS/DCF

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		Number	Kind Code ² (if known)			
✓	27	5,244,813		Walt et al.	9/1993	
✓	28	5,250,264		Walt et al.	10/1993	
✓	29	5,252,494		Walt	10/1993	
✓	30	5,254,477		Walt	10/1993	
✓	31	5,298,741		Walt et al.	3/1994	
✓	32	5,302,509		Cheeseman	4/1994	
✓	33	5,320,814		Walt et al.	6/1994	
✓	34	5,357,590		Auracher	10/1994	
✓	35	5,380,489		Sutton et al.	1/1995	
✓	36	5,435,724		Goodman et al.	7/1995	
✓	37	5,474,895		Ishii et al.	12/1995	
✓	38	5,481,629		Tabuchi	1/1996	
✓	39	5,494,798		Gerd et al.	2/1996	
✓	40	5,496,997		Pope	3/1996	
✓	41	5,512,490		Walt et al.	4/1996	
✓	42	5,516,635		Ekins et al.	5/1996	
✓	43	5,565,324		Still et al.	10/1996	

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		Office ³	Number ⁴	Kind Code ² (if known)				
✓	44	WO	98/50782	A3	Trustees of Tufts College	11/1998		
✓	45	WO	98/53093	A1	Bioarray Solutions LLC	11/1998		
✓	46	WO	98/53300	A2	Lynx Therapeutics, Inc.	11/1998		
✓	47	WO	99/18434	A1	Trustees of Tufts College	4/1999		
✓	48	WO	99/60170	A1	Hyseq Inc.	11/1999		
✓	49	WO	99/67414	A1	Glaxo Group Ltd.	12/1999		
✓	50	WO	99/67641	A2	Illumina Inc.	12/1999		
✓	51	WO	00/04372	A1	Univ. of Texas	1/2000		
✓	52	WO	00/13004	A2	Trustees of Tufts College	3/2000		

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Complete if Known

Application Number	09/931,285
Filing Date	August 16, 2001
First Named Inventor	CHEE
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	A-70440/DJB/RMS/DCF

Sheet 3 of 6

U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
✓	53	5,573,909		Singer et al.	11/1996	
✓	54	5,575,849		Honda et al.	11/1996	
✓	55	5,633,972		Walt et al.	5/1997	
✓	56	5,639,603		Dower et al.	6/1997	
✓	57	5,656,241		Seifert et al.	8/1997	
✓	58	5,690,894		Pinkel et al.	11/1997	
✓	59	5,814,524		Walt	10/1998	
✓	60	5,840,256		Demers et al.	11/1998	
✓	61	5,854,684		Stabile et al.	12/1998	
✓	62	5,863,708		Zanzucchi et al.	1/1999	
✓	63	5,888,723		Sutton et al.	3/1999	
✓	64	5,900,481		Lough et al.	5/1999	
✓	65	6,023,540		Walt et al.	2/2000	
✓	66	5,679,524		Nikiforov et al.	10/1997	
✓	67	5,856,083		Chelsky et al.	01/1999	
✓	68	5,858,732		Solomon et al.	01/1999	

FOREIGN PATENT DOCUMENTS

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✓	69	WO	00/16101	A2	Trustees of Tufts College	3/2000		
✓	70	WO	00/39587	A1	Illumina Inc.	7/2000		
✓	71	WO	00/47996	A2	Illumina Inc.	8/2000		
✓	72	WO	00/48000	A1	Illumina Inc.	9/2000		
✓	73	WO	00/63437	A2	Illumina Inc.	10/2000		
✓	74	WO	00/71243	A1	Illumina Inc.	11/2000		
✓	75	WO	00/71995	A2	Illumina Inc.	11/2000		
✓	76	WO	00/75373	A2	Illumina Inc.	12/2000		

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		Number	Kind Code ² (if known)			
✓	77	6,013,456		Akgavan-Tafti	01/2000	
✓	78	6,051,380		Sosnowski et al.	04/2000	
✓	79	6,110,678		Weisburg et al.	08/2000	
✓	80	6,172,218	B1	Brenner	01/2001	
✓	81	6,083,763		Balch	07/2000	
✓	82	5,494,810		Barany et al.	02/1996	
✓	83	5,830,711		Barany et al.	11/1998	
✓	84	6,027,889		Barany et al.	02/2000	
✓	85	6,054,564		Barany et al.	0/2000	
✓	86	6,251,639	B1	Kurn	06/2001	
✓	87	6,268,148	B1	Barany et al.	07/2001	

FOREIGN PATENT DOCUMENTS								
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		Office ³	Number ⁴	Kind Code ² (if known)				
✓	88	WO	98/13523	A1	Pyrose Quencing AB	04/1998		
✓	89	WO	93/25563	A1	City of Hope	12/1993		
✓	90	WO	97/31256	A2	Cornell Research Foundation	08/1997		
✓	91	WO	00/58516	A2	Whitehead Institute for Biomedical Research	10/2000		
✓	92	WO	00/71992	A1	Illumina Inc.	11/2000		

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				Filing Date	August 16, 2001
				First Named Inventor	CHEE
				Group Art Unit	Not Yet Assigned
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Sheet	5	of	6	Attorney Docket Number	A-70440/DJB/RMS/DCF

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
✓	93	Abel et al., "Fiber-Optic Evanescent Wave Biosensor for the Detection of Oligonucleotides," Anal. Chem. 68:2905-2912 (1996).	
✓	94	Anonymous, "Microsphere Selection Guide," Bandg Laboratories, (Fisher, In) September 1998.	
✓	95	Anonymous, "Fluorescent Microspheres," Tech. Note 19, Bang Laboratories, (Fishers, In) February 1997.	
✓	96	Bangs, L.B., "Immunological Applications of Microspheres," The Latex Course, Bangs Laboratories (Carmel, IN) April 1996.	
✓	97	Barnard et al., "A Fibre-Optic Chemical Sensor with Discrete Sensing Sites," Nature, 353:338-340 (September 1991).	
✓	98	Chen et al., "A Microsphere-Based Assay for Multiplexed Single Nucleotide Polymorphism Analysis Using Single Base Chain Extension," Genome Research, 10(4):549-557 (2000).	
✓	99	Czarnik, "Illuminating the SNP Genomic Code," Modern Drug Discovery, 1(2): 49-55 (1998).	
✓	100	Drmanac, R. et al., "Sequencing by Oligonucleotide Hybridization: A Promising Framework in Decoding of the Genome Program," The First International Conference on Electrophoresis, Supercomputing and the Human Genome, Proceeding os th April 10-13, 1990 Conference at Florida State University. Ed. C. Cantor and H. Lim.	
✓	101	Drmanac, R. et al., "Prospects for a Miniaturized, Simplified and Frugal Human Genome Project," Scientia Yugoslavica, 16(1-2):97-107 (1990).	
✓	102	Drmanac, R. et al., "Sequencing by Hybridization (SBH) with Oligonucleotide Probes as an Integral Approach for the Analysis of Complex Genomes," International Journal of Genome Research, 1(1):59-79 (1992).	
✓	103	Drmanac, R. et al., "Sequencing by Hybridization," Automated DNA Sequencing and Analysis, ed. M. Adams, C. Fields and J. Venter. (1994).	
✓	104	Ferguson et al., "A Fiber-Optic DNA Biosensor Microarray for the Analysis of Gene Expression," Nature Biotechnology, 14:1681-1684 (1996).	
✓	105	Fuh et al., "Single Fibre Optic Fluorescence pH Probe," Analyst, 112:1159-1163 (1987).	
✓	106	Healey et al., "Improved Fiber-Optic Chemical Sensor for Penicillin," Anal. Chem. 67(24):4471-4476 (1995).	
✓	107	Healey et al., "Development of a Penicillin Biosensor Using a Single Optical Imaging Fiber," SPIE Proc. 2388:568-573 (1995).	
✓	108	Healey et al., "Fiberoptic DNA Sensor Array Capable of Detecting Point Mutations," Analytical Biochemistry, 251:270-279 (1997).	
✓	109	Hirschfeld et al., "Laser-Fiber-Optic "Optrode" for Real Time In Vivo Blood Carbon Dioxide Level Monitoring," Journal of Lightwave Technology, LT-5(7):1027-1033 (1987).	
✓	110	Iannone et al., "Multiplexed Single Nucleotide Polymorphism Genotyping by Oligonucleotide Ligation and Flow Cytometry," Cytometry, 39:131-140 (2000).	

Examiner Signature	Date Considered
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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[illegible]

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